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Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ADP-00 EB-11 SS-15 NSC-10 DOTE-00

CAB-09 CIAE-00 COME-00 DODE-00 INR-10 NSAE-00 RSC-01

FAA-00 IO-13 OIC-04 RSR-01 /103 W
---------- 044038
R 101750Z JUL 73
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 8057
INFO AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE
AMCONSUL MONTREAL
US MISSION EC BRUSSELS

S E C R E T BRUSSELS 3859

NOFORN

MONTREAL FOR US REP ICAO

E.O. 11652: GDS
TAGS: PINS, PFOR, OTRA
SUBJECT: AIR SECURITY CONVENTION

REF: STATE 131752 (NOTAL)

1. SUMMARY: BELGIUM PRESENTED DRAFT CONVENTION ON AIR SECURITY TO MEETING OF EC-9 EXPERTS IN BRUSSELS JUNE 29. CONVENTION WOULD EMPOWER SPECIAL COMMISSION TO MAKE RECOMMENDATIONS FOR SETTLEMENT OF AIR SECURITY DISPUTES BETWEEN CONTRACTING STATES AND IN CASE OF DANGER TO RECOMMEND CONCERTED PROTECTIVE MEASURES AFFECTING THIRD PARTIES. PROPOSAL
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RECEIVED MIXED REACTION FROM EXPERTS AND MODIFIED VERSION

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PROBABLY WILL BE PRESENTED AS WORKING PAPER RETHER THAN FORMAL PROPOSAL TO ICAO CONFERENCE IN ROME. FRENCH AND UK-SWISS PROPOSALS AND EC-9 COORDINATION AT ICAO MEETINGS ALSO DISCUSSED. US POSSESSION OF INFORMATION ON BELGIAN PROPOSAL AND EC-9 DISCUSSION SHOULD NOT BE DISCLOSED TO FOREIGN NATIONALS. END SUMMARY.

2. EMBASSY APPROACHED ACTION OFFICER IN FONOFF RE JUNE 29 BRUSSELS MEETING OF EC-9 EXPERTS ON AVIATION SECURITY. ACTION OFFICER MADE GENERAL REMARKS ON MEETING BUT DECLINED DIPLOMATICALLY TO GIVE EMBASSY COPY OF BELGIAN DRAFT. HE SAID GOB WOULD PRESENT PROPOSAL IN FINAL FORM TO ICAO COUNCIL IN MONTREAL BY JULY 15 FOR DISTRIBUTION. COPY WILL BE GIVEN EMBASSY WHEN PROPOSAL READY BUT WE DOUBT THAT WILL BE MUCH BEFORE PRESENTATION TO ICAO COUNCIL. EMBASSY, HOWEVER, HAS OBTAINED FROM SEPARATE SOURCE COPY OF REPORT ON JUNE 29 MEETING AND OF BELGIAN AIDE MEMORIRE REVIEWING GOB PROPOSAL. FACT OF US POSSESSION OF THIS INFORMATION MUST BE CLOSELY HELD.

3. AT JUNE 29 MEETING BELGIUM PROPOSED NEW DRAFT CONVENTION ON AIR SECURITY. ACCORDING TO AIDE MEMOIRE, DRAFT CONVENTION REAFFIRMS OBLIGATION OF INTERNATIONAL LAW TO SAFEGUARD SECURITY OF CIVIL AVIATION AND TO STRENGTHEN INTERNATIONAL SOLIDARITY BY REJECTING VIOLENCE IN RELATIONS BETWEEN CIVILIZED NATIONS. UNDER CONVENTION, COMMISSION OF EXPERTS CHOSEN ON BASIS OF INTEGRITY WOULD BE CHARGED WITH RESPONSIBILITY OF EXAMINING LITIGIOUS SITUATIONS RAPIDLY, IMPARTIALLY, AND CONFIDENTIALLY. DISPUTES ARISING IN AIR SECURTIY WOULD BE SUBMITTED IMMEDIATELY TO COMMISSION IN CLOSED SESSION. FORMAL DECISIONS WOULD BE TAKEN ONLY IN REGARD TO CONTRACTING STATES AFTER ALL PARTIES HEARD, BUT COMMISSION COULD RECOMMEND COLLECTIVE MEASURES IN EVENT OF DIFFICULTIES WITH THIRD STATES. COMMISSION WOULD NOT HAVE TO LIMIT SELF TO INVITING PARTIES TO DISPUTES TO TAKE APPROPRIATE MEASURES. IN CASE OF PRESSING DANGER IT COULD RECOMMEND APPLICATION OF PROTECTIVE MEASURES (MESURES DE SAUVEGARDE), EXCLUDING THOSE WHICH WERE PURELY PUNITIVE (PENALES) ON COERCIVE, SUCH AS SANCTIONS. MEASURES WOULD BE TAKEN COLLECTIVELY IN CONFORMITY WITH INTERNATIONAL LAW. MISSION OF COMMISSION WOULD INCLUDE STATING LAW REGARDING CONTRACTING STATES, DEFINING THEIR OBLIGATIONS, AND CONTRIBUTING

BY OBJECTIVE RECOMMENDATIONS TO FORMATION OF TIES OF SOLIDARITY BETWEEN THEM. RECOMMENDATIONS WOULD NOT BE BINDING BUT STATES COULD CONCERT CONFIDENTIALLY TO APPLY THEM. COMMISSION WOULD NOT PUBLICIZE DECISIONS RELATIVE TO PARTICULAR CASE, SO AS TO AVOID HUMILIATING STATES THROUGH PUBLIC CONDEMNATIONS. GENERAL CONCLUSIONS COULD BE MADE PUBLIC AFTER CERTAIN TIME IF USEFUL TO DEVELOPMENT OF JURISPRUDENCE AND SECURITY NORMS OF ICAO.

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4. REPORT ON JUNE 29 MEETING INDICATES THAT RESPONSE TO BELGIAN PROPOSAL WAS GENERALLY LUKEWARM, WITH ONLY ITALY AND LUXEMBOURG EXPRESSING DEFINITE SUPPORT AND IRELAND VOICING NO OBJECTIONS. FRENCH AND BRITISH PUT FORWARD STRONGEST RESERVATIONS, PARTICULARLY IN REGARD TO COLLECTIVE MEASURES AGAINST THEIR STATES FORESEEN IN ARTICLE FIVE.

5. APPARENTLY GOB CONCEIVED OF GRAFT CONVENTION AS ALTERNATIVE TO NORDIC PROPOSAL. AS RESULT OF JUNE 29 MEETING, HOWEVER, DRAFT PROBABLY WILL BE SUBMITTED TO ROME CONFERENCE AS WORKING PAPER RATHER THAN FORMAL PROPOSAL, TO BE AVAILABLE AS ALTERNATIVE IF NORDIC DRAFT FAILS. ARTICLE FIVE WILL BE DROPPED FROM TEXT AND PUT INTO COVER MEMORANDUM IN CASE CONFERENCE CHOULD WISH TO REINSERT IT. DANISH DELEGATE, INCIDENTALLY, TOLD JUNE 29 MEETING THAT NORDIC STATES WOULD NOT BE ABLE TO COME UP WITH VERSION OF OWN PROPOSAL APPROVED BY ALL NORDIC STATES BEFORE ROME MEETING.

6. EXPERTS IN BRUSSELS ALSO DISCUSSED FRENCH AND UK-SWISS PROPOSALS. BRITISH DELEGATE NOTED THAT SOME COUNTRIES REGARDED NORDIC PROPOSAL AS SHORT TERM SOLUTION AND UK-FRENCH-SWISS AMEMDMENTS TO CHICAGO CONVENTION AS LONG TERM SOLUTION, AND THAT TWO APPROACHES NOT INCOMPATIBLE. GERMAN DELEGATE THEREFORE SUGGESTED POLICY OF RECIPROCAL BENEVOLENT NEUTRALITY AMONG AUTHORS OF VARIOUS PROPOSALS AT ICAO EXTRAORDINARY ASSEMBLY AND ROME CONFERENCE. PORPOSAL RECEIVED SOME SUPPORT FROM ITALY, DENMARK, AND UK BUT WAS REJECTED BY FRANCE.

7. REPORT ALSO NOTES THAT EC-9 PAAN TO FORM SINGLE DELEGATION AT EXTRAORDINARY ASSEMBLY AND ROME CONFERENCE IN ORDER TO COORDINATE POSITIONS.

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8. COPY OF REPORT ON JUNE 29 MEETING, LIST OF PARTICIPANTS, AND BELGIAN AIDE MEMOIRE BEING POUCHED TO DEPARTMENT (EB/OA/AN) FOR DISTRIBUTION AS APPROPRIATE. STRAUSZ-HUPE

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